

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Case No.: 2:95-CR-02
JUDGE SMITH**

PLACIDO PINEIRO,

Defendant.

*Date of Original Judgment:
August 21, 1995*

ORDER

This matter is before the Court on the Defendant's *Pro Se* Motion for Reduction in Sentence, pursuant to 18 U.S.C. §3582(c)(2). (Doc. 107). The Government has not filed a response.

Defendant was sentenced on August 18, 1995, to 292 months imprisonment and ten years supervised release for possession with intent to distribute over five kilograms of cocaine. Defendant's sentencing range was 292 to 365 months based on a total offense level of 37, criminal history category VI. He was classified as a career offender.

On November 1, 2014, the United States Sentencing Commission promulgated Guideline Amendment 782, which reduced by two levels the offense levels assigned to the drug quantities set forth in §2D1.1 of the United States Sentencing Guidelines, as well as parallel changes for the listed chemicals found in §2D1.11. Defendants who are currently imprisoned for these drug offenses are eligible for retroactive application of the guidelines as long as they meet certain eligibility criteria.

Counsel for the government, defense counsel, and representatives of the United States Probation Department have reviewed Defendant's case and agree that he does not meet the Sentencing Commission's eligibility requirements for the retroactive application of Amendment

782 to his case because he was designated a career offender.

Based on the aforementioned, Defendant's Motion for Reduction in Sentence is **DENIED**. The sentencing enhancement that provided the basis for Defendant's sentence was not affected by Amendment 782 and therefore pursuant to Section 1B1.10 of the United States Sentencing Guidelines, Defendant's sentence must remain the same.

The Clerk shall remove Document 107 from the Court's pending motion's list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT